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March 21, 2023

Via ECF

The Hon. Jennifer L. Rochon
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Titus, et al. v. UMG Recordings, Inc., No. 23 Civ. 15 (JLR)

Dear Judge Rochon:

We write on behalf of Defendant UMG Recordings, Inc. pursuant to Your Honor's Individual Rule of Practice 1.F, and with Plaintiffs' consent, to request an adjournment of the Initial Pretrial Conference scheduled for April 12, 2023. ECF No. 7.

Defendant filed a motion to dismiss Plaintiffs' complaint on February 27, 2023. ECF No. 18. On March 3, 2023, the parties requested an adjustment to the briefing schedule for Defendant's motion to dismiss, which the Court so ordered on March 6, 2023. ECF No. 23. Per the Court's order, Plaintiffs' deadline to either file their opposition papers or an amended class action complaint is now March 31, 2023. Also per the Court's Order, if Plaintiffs file an opposition to Defendant's motion to dismiss, Defendants' deadline to reply is April 21, 2023, and if Plaintiffs file an amended complaint, Defendant's deadline to respond is April 28, 2023. ECF No. 23.

Given that this briefing schedule extends beyond the date set for the Initial Pretrial Conference, and to promote efficiency and preserve judicial and party resources, the parties respectfully request that the Court adjourn the April 12, 2023, Initial Pretrial Conference and reset the initial case deadlines as follows:

- (1) Subject to the Court's availability, the Initial Pretrial Conference will be held between 30 and 45 calendar days after Defendant answers Plaintiffs' then-operative complaint (*i.e.*, following the resolution of Defendant's motion to dismiss as to Plaintiffs' existing complaint and any motion(s) to dismiss any amended complaint(s) that Plaintiffs may file, and the subsequent filing, if applicable, of Defendant's answer to the operative pleading);

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- (2) The parties shall hold a Rule 26(f) conference no later than three weeks prior to the Initial Pretrial Conference; and
- (3) The parties shall file a joint letter with the information required by the Notice of Initial Pretrial Conference (ECF No. 7) and a proposed Civil Case Management Plan and Scheduling Order no later than seven calendar days prior to the Initial Pretrial Conference.

Prior to the reset Initial Pretrial Conference, the parties agree to meet and confer regarding the topics to be discussed in connection with Rule 26(f) discovery planning, including preservation of electronically stored information (“ESI”) and a related ESI protocol, and a protective order. The parties also agree that each party may transmit written discovery requests to the opposing party(ies), and that for purposes of calculating the deadline for written objections and responses to any such written discovery requests, such requests shall be deemed served on the date of the parties’ formal Rule 26(f) conference, provided that the parties shall meet and confer regarding the scope of discovery in advance of the parties’ Rule 26(f) conference with respect to any written discovery requests transmitted with the goal of promptly identifying and resolving any disputes regarding the scope of discovery. Finally, the parties further agree that no depositions and no third-party discovery may be conducted prior to the reset Initial Pretrial Conference.

All parties consent to the requested adjournment and this is the parties’ first request to adjourn this conference. No other scheduled dates are affected by this request.

Thank you for the Court’s consideration of this request.

Respectfully submitted,

/s/ Rollin A. Ransom
Rollin A. Ransom

Counsel for Defendant UMG Recordings, Inc.


cc: All Counsel of Record (via ECF)

The request is GRANTED. The April 12, 2023 Conference is adjourned.

(1) The Initial Pretrial Conference will be held between 30 and 45 calendar days after Defendant answers Plaintiffs’ then-operative complaint (i.e., following the resolution of Defendant’s motion to dismiss as to Plaintiffs’ existing complaint and any motion(s) to dismiss any amended complaint(s) that Plaintiffs may file, and the subsequent filing, if applicable, of Defendant’s answer to the operative pleading);(2) the parties shall hold a Rule 26(f) conference no later than three weeks prior to the Initial Pretrial Conference; and (3) the parties shall file a joint letter with the information required by the Notice of Initial Pretrial Conference (ECF No. 7) and a proposed Civil Case Management Plan and Scheduling Order no later than seven calendar days prior to the Initial Pretrial Conference.

SO ORDERED.

Dated: March 22, 2023
New York, New York


JENNIFER L. ROCHON
United States District Judge